

DID PELE TURN OVER?

Hawaii Felt the Earth
Quake.

NEWS OF THE BIG ISLAND

Military Enthusiasm at Hilo--Foreign
Church Social--Wedding
Bells.

HILLO, Hawaii, Oct. 13.—A rather heavy shock of earthquake was felt by many residents of Hilo on last Wednesday evening between 11 and 12 o'clock. The pitching and rocking of the earth brought some alarm to those who roost above the ground floor.

AS TO METZ.

Deputy Marshal Metz—retired, says the Tribune, is not expected back as soon as he used to be, on account of the department with which he was connected not requiring him here any more, nor even at the other end of the line, where it seems his zeal in searching for "dope" was not appreciated. In other words Judge Estee, apparently getting tired of Marshal Ray's chronic propensity to make haste slowly, got tired of the Marshal's sista, and attended himself to the "firing."

Just why Metz should have been appointed in the first place nobody seemed to know except Ray and he wouldn't tell.

No news has as yet been received relative to the filling the position thus left vacant (if it can be said to have ever been filled). The Marshal is apparently taking plenty of time at the right end upon this occasion.

"Klondike" doesn't want it. He has discovered that there is more money in Honolulu plumbing. Besides he doesn't like the tendency it seems to arouse in the successful candidates to skip the country.

In the meantime the United States Government has two equally difficult (apparently) jobs on its hands: one is the search of the North Pole, the other the search for Metz.

REGULAR CHURCH SOCIAL.

Owing to the hard storm prevailing the social at the Foreign Church on Tuesday evening was not largely attended; but those who braved the inclement weather were well repaid. It was a genuinely social sociable. There was scarcely any ice to break, and that was soon completely shattered. Choice music was furnished by Mrs. Severance, Miss Richardson and Mrs. Lewis; and Miss Willis sang two charming songs. Mrs. Lewis had charge of the musical entertainment and Mesdames Scott and Pratt were the hostesses of the evening. Dainty refreshments were served, and the pleased company separated shortly after 10 o'clock, each person affirming that he had had "a good time," and telling the truth when he said it.

MILITIA NOTES.

William Fetter, Captain of Co. D, N. G. H., has secured Ray's hall, at the corner of Punalu and Volcano streets, for meeting and drill purposes, says the Herald. Already there are 57 members of the company and applications are being received at each meeting. The first drill was held last Friday night and was quite satisfactory. The company has received from the Government 31 guns, bayonets and belts, and the members will soon be measured for their uniforms. In order that the company may have music for parades the officers have given permission to the Hilo band to occupy the hall for practice purposes. Lieut. Ludloff will go to Honolulu on the 26th inst. for examination.

CHURCH IMPROVEMENTS.

The Catholic Church building in Hilo has lately undergone improvements which make the interior quite beautiful. About forty years ago the place was painted, the pigments being secured on this island. The design was in imitation of marble and the work and color scheme was crude and inharmonious. Orders were given E. Fuhr, the decorator, a few weeks ago to repaint the interior and his work will be finished to-day. He selected designs of the time of Louis XVI., the general color being white and gold. The altar is white with gold trimmings, a bleeding heart being in the center panel.

PROPERTY RECOVERED.

Some time ago Mr. Gamblison of Kaunama made a contract with some Japanese and after the men had worked for a time they disappeared. With them disappeared a quantity of tools, rope, giant powder, etc. The matter was placed in the hands of the police department and officer Kelly of Olua was detailed on the case. He made his search in Kaunama and recovered all of the property.

WEDDING BELLS AT PAPAALOA.

The engagement has been announced of Miss Almee Mervy, daughter of Dr. A. J. Mervy of Oakland, Calif., and Franklin Carty, storekeeper for the Laupahoehoe Sugar Co. at Papaaloa. Miss Mervy is one of Oakland's most popular young ladies and is a prominent choir singer. Mr. Carty, too, is musical and has been a member of several church choirs on the islands and is well known. The marriage will probably take place the latter part of next month.

KOHALA-HILO RAILWAY.

H. H. Gear says labor and capital will be sent out from the States for the construction of the Kohala-Hilo railway and that the road will be pushed to completion as rapidly as possible. Mr. Gear brought with him several engineers who are investigating the ground

TESTA GOES OUT OF POLITICS LEAVING A GAP OUR CARTOONIST CANNOT FILL



for a proposed ship wharf with a view to estimating upon the cost of construction. Three and one-half million dollars worth of bonds have been sold and this money is now available. It is expected that before January 1st about 3000 laborers will be at work on the road.

ITEMS IN BRIEF.

The engagement of Miss Fidelia Reinhardt to Hermann Ludloff is announced.

L. M. Whitehouse has the contract for the construction of two miles of road for the Hilo railway.

The bark Santiago is fifteen days out from San Francisco.

Sheriff Andrews is expected to return from Kohala this week.

P. McKinnon and family of Olua will go to the Coast on the Roderick Dhu for a visit covering about two months.

Mrs. W. A. Henshall and sister, who are sisters of Mrs. F. B. McStocker, arrived by the Kinai yesterday. Mrs. Henshall is accompanied by her child and maid.

Captain Warland of the Amy Turner returned from a hurried trip to the capital on the Kinai. He will take his vessel to Honolulu to-day to load sugar for San Francisco.

FUNDS ARE LOW.

Payment of Territorial Warrants Deferred Until November.

Owing to heavy calls on the Territorial Treasury arrangements have been made by Treasurer Lansing to have payment deferred on all warrants drawn now until after the middle of November. This is the first time in many years that the Treasury has been unable to pay its debts on demand and it is due largely to the fact that the customs receipts are no longer available for the expense of the Territorial government.

After November 15th, the date when taxes become delinquent, there ought to be a sufficiency of money in the Treasury to pay all outstanding warrants and all that may become due. Over \$27,000 is due in interest on Hawaiian bonds and \$30,000 has already been shipped to London to pay the interest that will be due there on January 1.

Following is Treasurer Lansing's statement of the condition of the funds in the Treasury:

Current cash balance Oct. 8, \$230,528 85

LIABILITIES: Warrants outstanding \$48,693 85

Warrants issued last week 19,659 41

Interest falling due 27,442 25

Remitted to London 30,000 00

Transferred from current loan fund 25,000 00

\$150,710 51

Balance 79,818 31

Phillips' Estate Sued.

T. McCants Stewart, attorney at law for Robert Dalziel and Wm. Weller of San Francisco, has brought suit against Jos. A. Gilman, administrator of the estate of John Phillips, deceased, to recover the sum of \$4,596.19 which is alleged to be due them for plumbing material furnished the late John Phillips. The attorney states that he has requested the payment of the bill, which was presented within the legal limit allowed to creditors of estates, but has been unable to procure anything from the administrator. Judge Humphreys has ordered a summons to issue requiring the administrator to appear before him at chambers on Tuesday, October 16, to show cause why the petition should not be granted.

The "Frisco-Auckland" mail steamer passengers to be still further reduced to six days.

FIELD OF POLITICS IN THESE ISLANDS

Make up of Independent Candidates on Oahu--Republicans and Democrats.

"Who are the candidates on the independent ticket for Oahu?" is a question asked hourly by newcomers to the islands and by old residents too.

The Senatorial nominees are Kalauokalani, James K. Kaulla, J. O. Carter, S. K. Pua and Robert Boyd.

Kalauokalani is or was a mechanic and now has enough money not to have to work. He has been Robert Wilcox's right bower in the campaign so far.

Kaula is a rabid hater whose every word is a denunciation of the whites and an urging of the natives to "kill the snake!" by which Kaula means to scotch the Americans and restore the monarchy. Kaula has talked much of putting Liliuokalani on the throne again despite the Queen's wishes for him to cease uttering such foolishness, and has an insane idea that if the Independents win the Territory will become a kingdom. Kaula is a lawyer.

J. O. Carter has a white skin and is a capitalist.

S. K. Pua is a conveyancer and quite bright.

So much for the Senators.

In the Fifth Representative District the following are the candidates: J. P. Makinai, a real estate agent; William Mossman, in the same business; George Markham, a bricklayer; J. K. Proendergast, a real estate dealer; S. K. Mahoe, a lawyer, and J. K. Paele, an attorney. Markham is the most active of the bunch and is a voluminous writer and rapid talker. He spends most of his time at headquarters now and is close to Bob Wilcox. Markham has been always a consistent anti-haole and though once prosperous, poverty never made him lose his wicked desire to drive all the whites over the rail.

In the Fourth Representative District J. K. Clark is a real estate dealer; J. K. Nakookoo is a conveyancer; D. Kakuokalani, Jr., is a clerk; E. C. Macfarlane is a merchant; M. H. Kallim is a former teacher and present hackdriver, and James Quinn is a hackdriver, a stable owner and an entertainer in general.

Quinn has some money, Macfarlane is well-to-do, J. O. Carter is not poor, and most of the others are possessed of little.

Wilcox expects to get a plurality of the votes on Oahu. There were nearly 5,000 voters registered and Wilcox talks of the Independents receiving 4,000. This would mean that if the Republicans get the most of the white vote the Democrats won't have any votes left at all. Wilcox is sanguine of success and claims to have made a thorough canvass of the island.

On Maui he looks for 1200 votes for his party. He said yesterday that they had a perfect organization and had counted up enough sure votes to win hands down.

The Advertiser's reporter, Mr. Abram Kaulukou, who took down Wilcox's speech differs with him and says that whatever Wilcox may have meant to say he uttered the words which he denies.

A DENIAL.

Editor Advertiser—In your report of my speech at the Drill Shed, you have stated in your paper of the 13th instant, under the heading, "The Man With the Argus Eye." The paragraph in reference are "These haoles in this country are nothing but cockroaches," the correct version of my speech are these:

"These anti-Wilcox haoles in this country are nothing but cockroaches."
R. W. WILCOX.

INDEPENDENT BREAK.

It is rumored that J. W. Pipikane and G. K. Kamaoaha, two strong independent enthusiasts, who were turned down yesterday for a nomination on the independent ticket, may run independently of that party. The people in Lale, to which district the latter belongs, may put him up as their choice for a representative candidate.

DEMOCRATS ON HAWAII.

John E. Bush writes a letter from Maui to a friend here that Prince David and party will arrive on that island today or tomorrow from Hawaii. All of the Democratic proselyters are assembling at Wailuku to escort the leader to the various places in his itinerary. Bush says that a prominent plantation manager of Maui has turned Democratic and has gone to various settlements to talk up 16 to 1.

DAVID'S FEET COLD.

At Republican headquarters letters were received today from the Komas and Kau that Prince David, the Democratic nominee for Congress, got exceedingly tired before he finished his tour. It was stated that the people over there turned out so strongly for Sam Parker that the Prince felt chilly all over and lost no time in getting back to Maui, where he will try for better success.

MAUI INVADDED.

The island of Maui has been invaded by the touring politicians. On the Mauna Loa Samuel Parker and his party of Republican speakers came up from Hawaii to Maui, and Prince David and the Democratic spellbinders. Both parties of speakers landed at Manoa Bay and proceeded thence to Wailuku and Kahului, where they will hold forth during the balance of this week. Mr. Parker is expected back in Honolulu on the 20th inst. on Sunday morning, but it is not known when Prince David and his party will return.

Opium Law to be Tested.

Whether Chinese or any one else, in fact, has a right to have opium in their possession, even if it is stamped with the Government seal, is to be tested in the higher courts. Yesterday in the Police Court Sam Kun Ton Chiu and Lap See were tried and fined \$50 for having opium in their possession, and their attorney, Mr. Wilder, announced an appeal to the Circuit Court. It was testified that several of the packages of opium captured had the Government seal on, but the Hawaiian law provides that it is unlawful for opium to be in the possession of any one and this matter will be tested in the courts.

Honoring Admiral Seward.

The flag at the Naval Station was at half-mast from sunrise to sunset yesterday in memory of Rear Admiral Seward, whose death occurred in Westonsville, N. Y., September 14, 1900. Thirteen minute guns were fired on the Naval dock at noon, according to the custom in the Navy and upon the orders of the Navy Department, dated September 17. The late Admiral was a dear friend of Captain Merry, commandant of the local Naval Station.

Harvard's Congressman in Demand.

Representative S. W. McCall, of the Harvard University District, is one of the most popular orators in New England. While a loyal Republican, he is inclined to be independent in his views, and this makes his advocacy of McCall all the more convincing to the doubtful voter. After the election in Maine, where he is speaking this month, the Republican national committee wishes Mr. McCall to make a tour across the country to the Pacific Coast.

A great tangi has been held at Waiwetu (says the Wellington Post) over the death of Eneka Taitia Hokapea, one of the oldest Maori chiefs in the Wellington district. Natives from Taranaki and Hawke's Bay are amongst those present. The deceased was a fine type of the Maori race. He was thoroughly upright in all his dealings and all through his life he was an excellent friend with the Europeans.

THE QUEEN LOSES CASE

Supreme Court Against Her.

KAUAI LAND CONCERNED

Decision in Suit Brought by a Chinese--Other News of Courts.

Queen Liliuokalani has lost a point in the specific performance suit brought by Wong Kwai against her. The Supreme Court on Saturday handed down an opinion in the case reversing the judgment of the Circuit Judge of Kauai sustaining the demurrer of the Queen to the complaint.

The suit arose out of an alleged agreement between Joe Heiuhelu, acting as agent for the Queen offering to lease certain lands on Kauai to Wong Kwai for \$2,200. Heiuhelu addressed a letter to Wong Kwai making the offer of the lease but subsequently took steps inconsistent with the contract implied in the letter. It was in consequence of this that the contract had been repudiated by the defendant and the Court sustained a demurrer.

The opinion of the Supreme Court is written by Chief Justice Frear and is concurred in by Justice Galbraith and Circuit Judge Starnes, who sat in the absence of Justice Perry. The important legal points decided are as follows:

"An oral acceptance by one party of a written offer signed by the other is sufficient to enable the former to enforce specific performance against the latter, notwithstanding the statute of frauds."

"A subsequent oral contract may operate as an extinguishment of or substitution for the original, so as to prevent the enforcement of it, so as to permit its enforcement, subject also to the enforcement of the modification at the defendant's option."

"A contemporaneous oral modification cannot, in the absence of fraud, mistake or part performance, be relied on by either party."

"In the present case on general demurrer the bill for specific performance is held sufficient on the theory that there was a written offer signed by the party to be charged and accepted orally by the other, and that if there was an oral modification it did not operate as an extinguishment of the original contract."

The case is reversed and remanded to the Fifth Circuit Court for further proceedings. Cecil Brown, F. M. Hatch and Lorin Andrews appeared for the plaintiff and Robertson and Wilder for the defendant.

HASSON ENDS HIS SUIT.

W. F. C. Hasson has discontinued his suit against the Palawai Valley and Up-land Development Company. The suit was brought by Mr. Hasson for services as engineer in the preliminary work on the property of the company on Lanai. A deal was made by Mr. Hasson last week with the Hayseidens, which resulted in the settlement of the suit out of court.

SISTER AGAINST SISTER.

The partition suit of Genevieve Dowsett vs. Marion C. Dowsett will be heard before Judge Humphreys in chambers this morning.

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